IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl..No. 6257 of 2006()

CRMP.2572/2004 of DISTRICT COURT, KOTTAYAM
CRIME NO.53/2004 OF KURUVILANGAD POLICE STATION

.....

PETITIONER

M.SANKARAN, S/O. MUTHAIAH,
AGED 46 YEARS, 250-MAIN ROAD,
SANKARANCOVIL, THIRUNELVELI DISTRICT,
TAMIL NADU.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KURUVILANGAD POLICE STATION.

BY PUBLIC PROSECUTOR SHRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2006, ALONG WITH BA NO. 6258 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.Nos.6257 & 6258 of 2006

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Dated this the 6th day of December, 2006.

ORDER

The common petitioner in these applications and who is the second accused in Crime Nos.53 of 2004 and 119 of 2004 of Kuruvilangad police Station for an offence punishable under Section 411 I.P.C. for allegedly receiving stolen gold ornaments, seeks bail.

2. During the course of investigation, a report has been filed for incorporating Section 454, 461, 380, 411 and 414 I.P.C. as well.

3. The learned Public Prosecutor opposed the application. Apart from the fact that the Sessions Court, Kottayam had rejected the petitioner's applications for anticipatory bail, this Court had, as per order dated 16.2.2005 in B.A.No.493 of 2005, refused anticipatory bail to the petitioner. Subsequently also, as per order dated 20.5.2005 in B.A.Nos.2867 and 2871 of 2005 this Court had refused to grant anticipatory bail to the petitioner. He was, however, given an opportunity to surrender before the Magistrate concerned and file an application for regular bail with a direction to dispose of the same

preferably on the same day on which it is filed. Admittedly, the petitioner has not availed of the said opportunity as well. The petitioner has now produced certain medical records to show that he is suffering from various ailments. Applications for anticipatory bail cannot be entertained one after the other and I am not inclined to entertain these petitions as well. There is no reason why the petitioner should not surrender before the Magistrate concerned and file an application for regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within one month from today, the same shall be considered and disposed of on merits after examining the contentions of the petitioner.

With this observation, these petitions are dismissed.

V.Ramkumar,
Judge.

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